

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND
COMMERCE**

Call to Order: By **CHAIRMAN DICK HAINES**, on January 26, 2001 at
8:30 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Dick Haines, Chairman (R)
Sen. William Crismore, Vice Chairman (R)
Rep. Christine Kaufmann (D)
Sen. Linda Nelson (D)
Sen. Bill Tash (R)
Rep. Joe Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Becky Beckert-Graham, OBPP
Gary Hamel, Legislative Fiscal Division
Amber Sauer, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Department of Fish Wildlife and
Parks, Administration and
Finance Division, and Field
Services Division, 1/26/2001
Executive Action: Department of Fish Wildlife and
Parks, Administration and
Finance Division and Field
Services Division

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HEARING ON DEPARTMENT OF FISH WILDLIFE AND PARKS

ADMINISTRATION AND FINANCE DIVISION (continued)

CHAIRMAN HAINES requested that **Mr. Dave Mott, Administrator, Administration and Finance Division, Fish Wildlife and Parks Department**, provide him with some information on DP-102. This is the DP that was voted on during the last hearing, and **VICE CHAIRMAN CRISMORE** requested that the vote remain open until **CHAIRMAN HAINES** was able to cast his vote. **Mr. Mott** gave a brief overview of the Department's goals with upgrading their internet page, and creating an intranet page.

EXHIBIT(jnh21a01)

Mr. Mott handed out copies of several e-mails that the Department has received. Several of these ask the Department to make upgrades or changes to their web site.

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In previous action **REP. TROPILA** had moved DP-102 be adopted. The vote was recorded 3-2 with **SEN. NELSON** and **SEN. TASH** voting **NO** and was left open for **CHAIRMAN HAINES** to add his vote. **CHAIRMAN HAINES'** vote was yes. **DP-102 was adopted 4-2.**

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Miscellaneous FWP DP's and Language

Mr. Hamel, Legislative Fiscal Division (LFD), handed out a sheet with language recommendations pertaining to DP-301, DP-113 and DP-304. No action was necessary as the committee already voted on the motion to include the following language.

EXHIBIT(jnh21a02)

- 1) "If HB 292 is passed and approved, item (DP-301) is void."
- 2) "For item DP-113, "The Department shall determine and quantify any efficiencies generated as a result of incorporating the Smith River drawing process into the automated license system and report their findings to the 2003 legislature."
- 3) "Item (DP-304) is restricted to equipment purchases in the Fisheries Division and payouts of leave accruals due to retirements in the Fisheries Division."

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Mr. Hamel discussed DP-117 which is a proposal that was not included in the LFD Book. It is to cover network fixed costs unknown at the time of budget submission requesting budget authority to add 21 voice and data lines in its regional office.

EXHIBIT (jnh21a03)

He spoke with the Department of Administration regarding this. The Department of Administration confirmed that Fish Wildlife and Parks had not included the computer printers in the survey, so therefore they had not been charged for them in the past. **Ms. Becky Beckert-Graham, Office of Budget and Program Planning**, recommended making this DP contingent on the actual rates. **Mr. Hamel** stated he understands that there may be some difficulties with the contingency language.

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Motion/Vote: SEN. CRISMORE moved that DP-117 FIXED COST ADJUSTMENT BE ADOPTED. Motion carried 6-0. REP. KAUFFMAN voted aye via proxy.

Mr. Hamel discussed DP-510 from the Wildlife Division which is the sagegrouse monitoring.

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Mr. Don Childress, Administrator, Wildlife Division, Fish Wildlife and Parks Department, spoke on DP-510. He explained this issue has been floating around for several years. He truly feels that the sagegrouse is not a threatened species in Montana. Montana has a 5.3 million acres of sagebrush habitat. It is not possible to monitor that much land. **Mr. Childress** concurs with the LFD's recommendation to have this DP be one-time-only. **Mr. Childress** explained there is only a 3-4 week opportunity to be able to monitor sagegrouse grounds. The flight time included in this DP is to be able to do some winter surveying of nesting areas. They are not able to do actual counts, but they are able to locate nesting sites.

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Motion/Vote: SEN. NELSON moved that DP 510 SAGEGROUSE MONITORING - CARR ONE-TIME-ONLY BE ADOPTED. Motion carried 6-0.

Motion/Vote: SEN. TASH moved that HB 2 LANGUAGE AS FOLLOWS BE ADOPTED. Motion carried 6-0.

- 1) "Item 5a legislature contract authority (LCA) is subject to all LCA provisions stated in the agency's language. LCA is restricted and a one-time-only item HB 2 and must be requested as a new proposal to be continued into 2003 biennium. LCA applies only to federal funds."
- 2) "Item 5b is a restricted appropriation for mountain lion research."

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FIELD SERVICES DIVISION

Mr. Paul Sihler, Administrator, Field Services Bureau, gave an overview of the division. He distributed a copy of the Sikes Act Program Report.

EXHIBIT(jnh21a04) and **EXHIBIT(jnh21a05)**

There are four major components of field services:

Landowner/Sportsman Relations - There are about 7.7 million acres in the block management program. Access MT is the result of Senate Bill 171. The legislature gave the Department 1 FTE to deal with public land. There are from 50 to over 100 game damage complaints per year, depending on the conditions.

Design and Construction Bureau - The Design and Construction Bureau does capital projects. Last year they completed 140 projects, totaling about \$9.5 million. They are responsible for dam safety and major maintenance. This division also creates the exhibits found in regional offices, as well as the signs that are found at Parks, Fishing access sites, etc. This division employs 13 FTE.

Land Unit - The land unit acts as the Department's real estate office. They deal with land leasing and purchasing. A great deal of the land leasing takes place through Department of Natural Resources. There are 5 FTE in this division.

Aircraft Unit - The aircraft unit does wildlife surveys, fish planting, and transportation. This division employs 3 FTE.

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Mr. Sihler went over the operations funding source and the budget expenditures. He also covered the organizational chart.

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Mr. Hamel went over DP-201. **CHAIRMAN HAINES** asked for more explanation on DP-201 from **Mr. Sihler**. **Mr. Sihler** explained the Analyze Net Client Hunter Use (DP-201). In the last session of the legislature new legislation was enacted addressing how outfitters increase the land base by the number of clients they have in their operation plans.

SEN. CRISMORE commented that he was unsure how this would be resolved but he understood that this program was in flux and transition.

SEN. TASH stated it will be interesting to see how this affects block management.

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Motion/Vote: **SEN. NELSON** moved that **DP-201 ANALYZE NET CLIENT HUNTER USE BE ADOPTED. Motion carried 6-0.**

Mr. Hamel discussed DP-204 which is FWP land leases.

Mr. Sihler said this DP is aimed mainly at the wildlife management lands. FWP has been working closely with Department of Natural Resources to develop a new leasing formula. This new formula will help determine actual use of the land leased. There will be a increase in rates consistent with land values.

SEN. TASH asked if there would be leasing in the area of recreation. **Mr. Sihler** replied there would.

Motion/Vote: **SEN. CRISMORE** moved that **DP-204 FWP LAND LEASES BE ADOPTED. Motion carried 6-0.**

Mr. Hamel discussed DP-206 - Taxes and Assessments.

Mr. Sihler talked about his payments increasing about 5% per year. These are payments going to the counties for taxes and special improvements.

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Motion/Vote: SEN. NELSON moved that **DP-206 TAXES AND ASSESSMENTS BE ADOPTED. Motion carried 6-0.**

Mr. Hamel discussed DP-207 UGB fees for increased block management.

Mr. Sihler stated this decision package is to restore existing funding to the block management program that was in the contracts this last year. **SEN. TASH** understood there is an increasing interest in block management participation including the eastern block which has been somewhat uninterested in it in prior years. He asked if something was done to spark interest. **Mr. Sihler** responded in the allocation of this fund, the majority of the funds went to region 6 and region 7 which are Glasgow in the northeast corner, and Miles City located in the eastern portion of the state.

SEN. CRISMORE stated about \$600,000 was generated from the one license that was increased and he asked if this went back into the block fund. **Mr. Sihler** replied it did. He wanted to take this opportunity to explain two items that will be brought up this session. The first is the DP-215 regarding Block Management Funding and the second is a variable price license sold to outfitters also know as the market price license. This would create a potential of \$1.8 million of new revenue.

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Mr. Sihler explained the history between the outfitters, landowners, and sportsman. **SEN. TASH** made a comment on the inconsistencies between regions.

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Discussion continued on the block management and the different aspects of it.

Motion/Vote: SEN. CRISMORE moved that **DP-207 UGB FEES FOR INCREASED BLOCK MANAGEMENT BE ADOPTED. Motion carried 6-0.**

Mr. Hamel discussed DP-208 which is Crossing the Barriers.

Mr. Sihler talked about the American with Disabilities Act (ADA) and he also discussed a web site that would be available to show the ADA access sites throughout Montana.

CHAIRMAN HAINES suggested that the ADA web site should be a link off the FWP web site and not its own web site. He felt it was

overlapping. He also thought the ADA information should be included in the hunting brochure.

{Tape : 2; Side : B; Approx. Time Counter : 210}

Motion/Vote: REP. TROPILA moved that DP-208 CROSSING THE BARRIERS BE ADOPTED. Motion carried 6-0.

Mr. Hamel discussed DP-209.

Mr. Sihler stated the program was established two sessions ago and the goals were to develop creative and innovative ways of dealing with human conflicts in urban and suburban settings. The program initially was funded for the department. In the last session the legislature directed them to run a grants program. He gave the committee a report on the grants that were funded.

EXHIBIT (jnh21a06)

Mr. Sihler gave the committee information to help clarify some questions.

EXHIBIT (jnh21a07)

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Motion/Vote: SEN. NELSON moved that DP-209 PUBLIC WILDLIFE INTERFACE BE ADOPTED. Motion carried 6-0.

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Mr. Hamel discussed DP-212.

Mr. Sihler explained that they have six engineers in the Design Construction Bureau. Two of the engineers are in the guard and one has a disability (blind in one eye and a detached retina in the other eye). He then explained what the money would go toward in each year of the biennium.

SEN. TASH asked what would be used as a resource pool for the summer interns. Mr. Sihler stated they would get college students from MSU and give them a stipend for the summer.

Motion/Vote: SEN. CRISMORE moved that DP-212 ENGINEER INTERN AND OPERATIONS BE ADOPTED. Motion carried 6-0.

Mr. Hamel discussed DP-214.

Mr. Sihler stated the department allocates \$400,000 to game damage each year. There was further discussion about game damage.

{Tape : 3; Side : A; Approx. Time Counter : 218}

Motion/Vote: SEN. NELSON moved that DP-214 GAME DAMAGE BE ADOPTED. Motion carried 6-0.

Mr. Hamel discussed DP-215.

Mr. Sihler drew a diagram to explain the union between habitat, game, and access which is the goal of the program.

EXHIBIT(jnh21a08)

He also gave the committee a report on the private land/public wildlife advisory council. This report has extensive information.

EXHIBIT(jnh21a09)

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SEN. TASH suggested some emphasis in enforcement. **Mr. Sihler** stated there was five warden positions that are funded with the block management positions. **Mr. Sihler** added it is hard to find people but agreed it is very important to have wardens for the block management system to work.

REP. KAUFMANN asked why this is a present law adjustment and not a new proposal. **Mr. Hamel** responded this is a present law adjustment due to the fact that it is a continuation of a block management program.

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Mr. Sihler explained the diagram found on C-23 in the LFD Budget Analysis Book regarding variable-priced licenses. **Mr. Hamel** stated the legislature has the authority to change the statute and the money earmarked for the block management program could be given to other programs. There was further discussion on the block management program.

{Tape : 3; Side : B; Approx. Time Counter : 150}

Motion/Vote: SEN. TASH moved that DP-215 BLOCK MANAGEMENT FUNDING BE ADOPTED. Motion carried 6-0.

DP-216 was a travel adjustment and the committee had taken action on it previously.

{Tape : 3; Side : B; Approx. Time Counter : 170}

New Proposals

Mr. Hamel discussed DP-205 Public Land Access Coordinator.

Mr. Sihler stated this was a one-time-only appropriation by the 1999 legislature. This proposal would make the FTE permanent. The coordinator would be responsible for improving hunter access to legally-accessible public lands by identifying areas where legal public access is available but unmarked.

{Tape : 3; Side : B; Approx. Time Counter : 290 - 455}

Motion: SEN. CRISMORE moved that DP-205 PUBLIC LAND ACCESS COORDINATOR BE ADOPTED.

Discussion: There was a lengthy discussion regarding the position of coordinator. Mr. Sihler distributed a letter to Senator Mesaros in 1999 and a Director of Montana Maps for the committee.

EXHIBIT(jnh21a10) and **EXHIBIT**(jnh21a11)

Motion/Vote: SEN. CRISMORE moved that DP-205 PUBLIC LAND ACCESS COORDINATOR BE ADOPTED. Motion carried 5-1 with Tropila voting no.

Mr. Hamel commented the only other task for Field Services is to accept the language. He also stated that DP-211 was covered in the global motion.

{Tape : 3; Side : B; Approx. Time Counter : 490}

Motion/Vote: SEN. NELSON moved that LANGUAGE RECOMMENDATION "ITEM 2A LEGISLATIVE CONTRACT AUTHORITY (LCA) IS SUBJECT TO ALL LCA PROVISIONS STATED IN THE AGENCY'S LANGUAGE. LCA IS RESTRICTED AND ONE-TIME-ONLY ITEM HB 2 AND MUST BE REQUESTED AS A NEW PROPOSAL TO BE CONTINUE IN THE 2003 BIENNIUM. LCA APPLIES ONLY TO FEDERAL FUNDS. BE ADOPTED. Motion carried 6-0.

CHAIRMAN HAINES adjourned the meeting.

ADJOURNMENT

Adjournment: 11:40 A.M.

REP. DICK HAINES, Chairman

SANDRA WHITAKER, Editing
Secretary

DH/AS/SW

EXHIBIT (jnh21aad)